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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,503

12/23/2005

Gianfranco Bedetti

9526-74

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30448

7590

04/17/2009

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EXAMINER

POPOVICS, ROBERT J

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

04/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,503	Applicant(s) BEDETTI, GIANFRANCO	
	Examiner /Robert James Popovics/	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 3-6 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

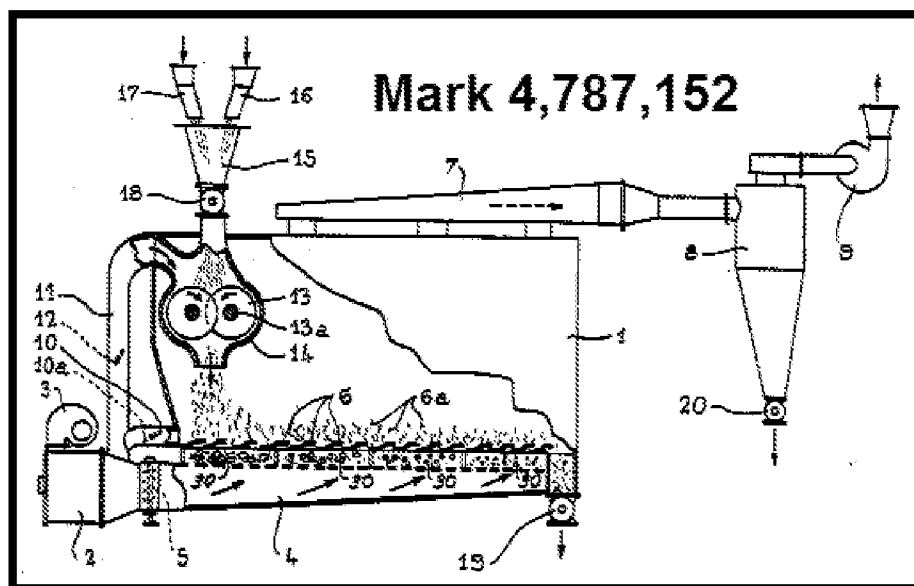
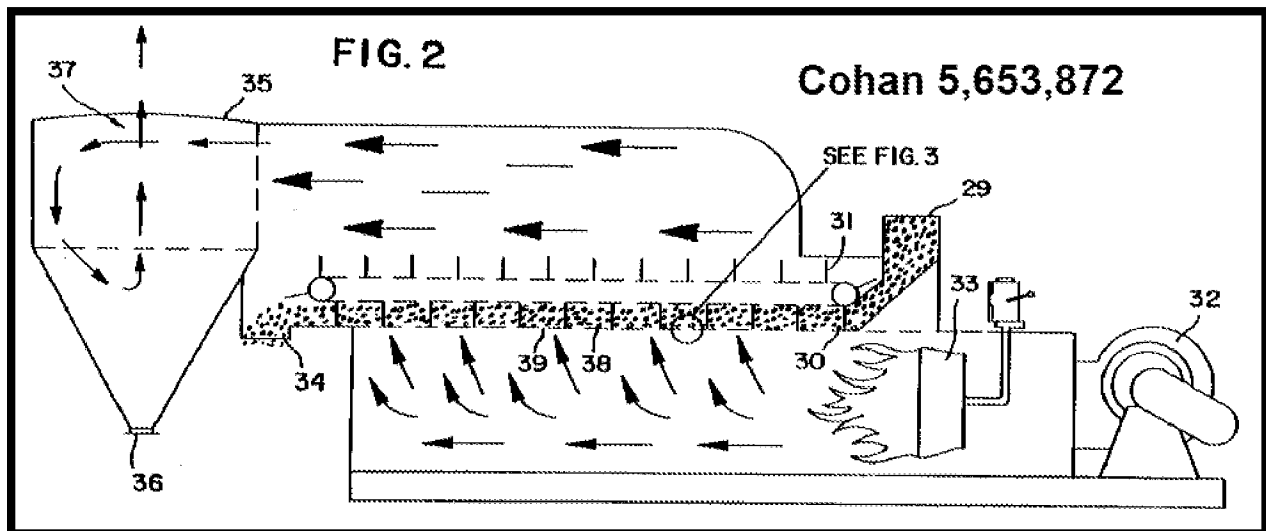
Art Unit: 1797

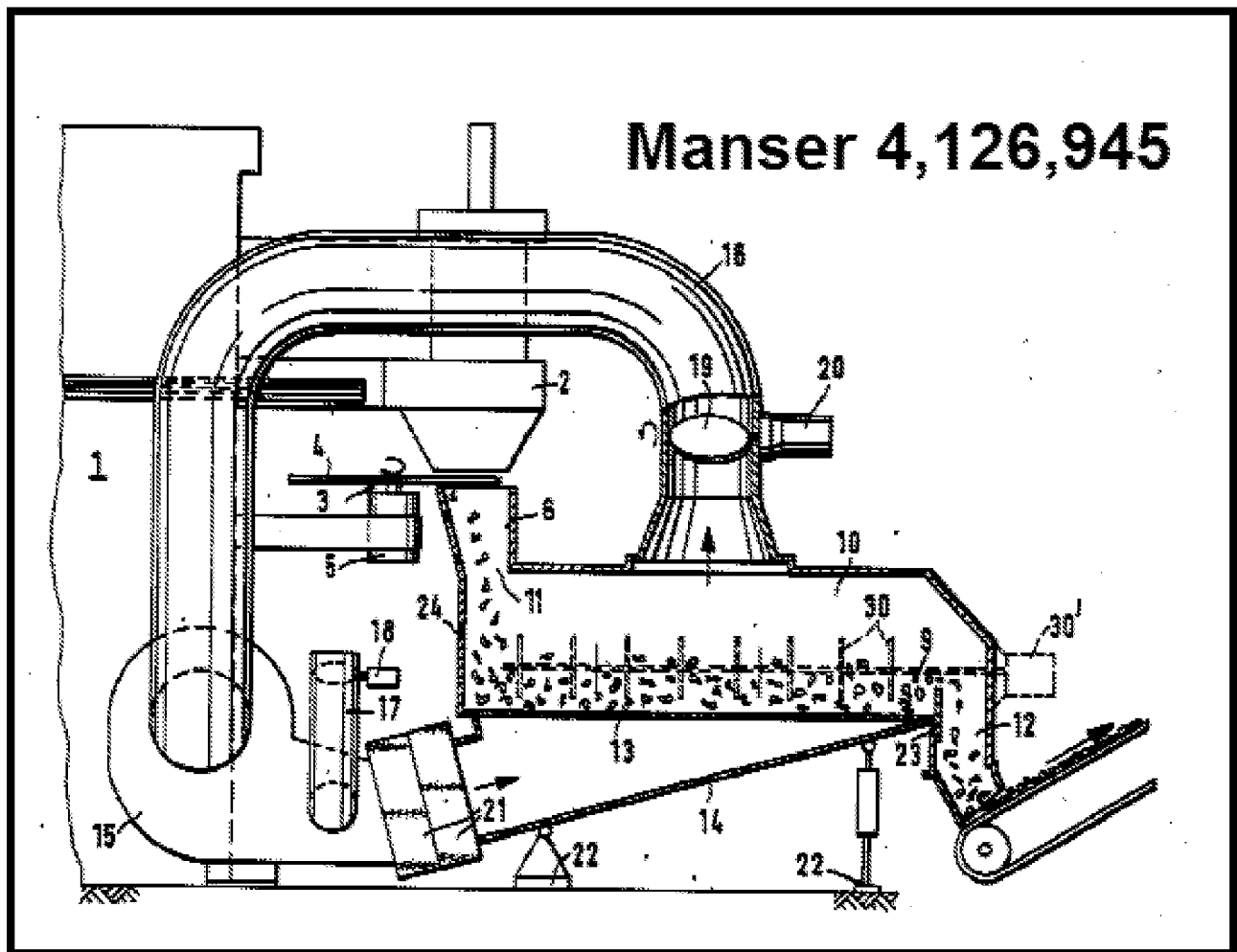
DETAILED ACTION***Allowable Subject Matter***

Process claims **1-2** are allowable.

Claim Rejections - 35 USC § 102

Claims **3-6** and **8** are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over any of **Cohan (US 5,653,872)** or **Mark (US 4,787,152)** or **Manser (US 4,126,945)**.





As understood, the structure of apparatus claims **3-6** and **8** is seen to be met by the systems disclosed by any of **Cohan, Mark** or **Manser**. It is submitted that any limitations not express are inherent, or alternatively, obvious in view of that which is conventionally known in the art.

Response to Arguments

Applicant's arguments filed **April 6, 2009** have been fully considered but they are not persuasive. Against **“apparatus”** claims **3-6** and **8**, Applicant has argued:

The process of claims 1 and 3 provide for the production of finished granules in a granulation fluid bed. A granulation fluid bed is a fluid bed where the granules are continuously made to grow (in volume and mass) from a seed to the finished granule (see for example, page 1, lines 21-27 of the specification.) In none of the cited documents a granulation fluid bed is disclosed or suggested for obtaining the granules.

The process of claims 1 and 3 also provide for transferring the finished granules from the granulation fluid bed in a pressurized space below the granulation fluid bed by falling of the finished granules through suitable sized opening of a base plate supporting said granulation fluid bed. The process of claims 1 and 3 further provide for collecting the finished granules falling from the granulation fluid bed in the below pressurized space, in a second fluid bed, which is formed and maintained exploiting at least part of the fluidification air used for the granulation fluid bed.

These features are clearly missing from *Cohan*, *Mark* and *Manser*, in which a single fluid bed is disclosed, and the base plate supporting such a fluid bed is not provided with suitable sized openings for the falling of the granules.

The process of claim 1 finally provides for the extraction of the finished granules from the pressurized space to the outside by means of a well arranged outside the pressurized space and in fluid communication with the second, collection fluid bed. Again, all cited references are silent about this feature, and instead they disclose conventional systems for the mechanical extraction of granules. In *Cohan* a chain type conveyor 30 is used; in *Mark* an airlock 19 is used while in *Manser* a conveyor belt is used.

For the foregoing reasons, claims 1 and 3 are patentable over the prior art. Dependent claims 2, and 4-7 are also believed to be allowable because of their dependence upon an allowable base claim, and because of the further features recited

Claims **3-6** and **8** are **“apparatus”** claims, not **“process”** claims. Applicant has failed to articulate how the structure of the instant claims defines over the applied references.

Conclusion

Applicant's amendment (i.e., addition of Claim 8) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to /Robert James Popovics/ at telephone number (571) 272-1164.

**/Robert James Popovics/
Primary Examiner
Art Unit 1797**

Search Notes

Application/Control No.

10/562,503

Examiner

Robert James Popovics

Applicant(s)

BEDETTI, GIANFRANCO

Art Unit

1797**SEARCHED**

Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED

☐ PGPUB search conducted; search logic is attached.

Date: _____ Initials: _____

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Text Search Conducted.	4-16-09	/RJP/